

## Statement of Basis for WSDOT Permit Modification

The modification adds substantive language to the permit as a result of a settlement agreement between the Departments of Ecology and Transportation and Puget Soundkeeper Alliance (PCHB No. 09-023). Minor modifications were also made for clarification. Permit sections modified include: S6.C, S7. E.2.d., S8.E., Appendix 7, *Stormwater Management Program Plan*, Sections 3 and 3.1, 5.4, 6.2, and Appendix 3, *Applicable TMDL Requirements*. Specific changes include:

1. **S1.B.2** - Clarification made. “Detailed Implementation Plan (DIP)” changed to “associated implementation documents” due to lack of consistent use of this term by Ecology TMDL leads to describe or title TMDL implementation documents.
2. **S6.A.1** – changes made consistent with #1 above.
3. **S6.C** – Permit changed as per PCHB No. 09-023 settlement agreement.
4. **S7.A** – Minor wording change for clarification, “for “replaced with “to evaluate.”
5. **S7.B.4.a.i** – Clarification made to specify “dissolved” for all metals.
6. **S7.B.6.a.i.** – Reference correction made.
7. **S7.B.6.b.i and ii.** – Addition made for clarification. This criterion is the only way to “end” monitoring the storm event. Added: “Inter-event dry period: 6 hours.”
8. **S7.B.7** – Deletion made for clarification. “After QAPP approval” is incorrect. This testing is applicable to the monitoring implementation deadline and is not required to commence after QAPP approval. “After QAPP approval” was deleted.
9. **S7.B.7.a.iii** – Same metals clarification made as in #5 above.
10. **S7.B.7.a.v** – Deleted “(Collected as a grab sample)(report the presence or absence of a visible sheen)” because neither criterion applied to sediment sampling.
11. **S7.B.8.a.iii** – Clarifications made: added “dry period, inter-event period and total precipitation depth” and deleted rainfall conditions.
12. **S7.B.8.b.** – Added “once sampling begins” for clarification.
13. **S7.B.8.b.i.** – Reworded sentence to require reporting of correlated rainfall/runoff data rather than raw continuous data.
14. **S7.B.8.b.ii** – Deleted precipitation reporting requirement since the rainfall/runoff relationship will include this data.
15. **S7.B.8.b.iii** – Added “for each parameter” for clarification and made minor format adjustment from iii to ii.

- 16. S7. B.8.b.iii** - The language does not make sense in the context of the 2013 Annual Stormwater Monitoring Report which will be the first year of data submittal. "...the 2013" deleted and "all other" inserted to clarify required content of the Annual Stormwater Monitoring Reports. Format adjusted from iv to iii.
- 17. S7. B.8.b.iii** - Added "for each parameter" for clarification.
- 18. S7.B.8.b.iii. 2)** – Added "estimated" for clarification.
- 19. S7.C.4.a.** - Same metals clarification made as in #5 above.
- 20. S7.C.8.b, c, and d.** – Format adjusted from b, c and d to i, ii and iii.
- 21. S7.D.2.** – "to be" removed for clarification.
- 22. S7.D.2.a.ii** – Same metals clarification made as in #5 above.
- 23. S7.D.b.vi** – Same metals clarification made as in #5 above.
- 24. S7.D.c.iii** – Same metals clarification made as in #5 above.
- 25. S7.D.4.iv and viii** - Same addition made for clarification as in #7 above. This criterion is the only way to "end" monitoring the storm event. Added: "Inter-event dry period: 6 hours."
- 26. S7.D.5.iii** - Clarifications made same as #11 above: added "dry period, inter-event period and total precipitation depth" and deleted rainfall conditions.
- 27. S7.E.2.d.** – Added the sentence "Flow reduction strategies shall be monitored through either a paired study or against a predicted outcome." This sentence was inadvertently left off of the final permit. It provides critical guidance for evaluating flow reduction strategies.
- 28. S7.E.7.c** - Clarifications made same as #11 above: added "dry period, inter-event period and total precipitation depth" and deleted rainfall conditions.
- 29. S7.E.9.** – Deleted "technical evaluation report (TER)" and retained "final report" for clarification.
- 30. S7.G.1** – Modified language to combine collaborative and independent monitoring schedules to eliminate redundancy. Deleted redundant language in S7.G.2.
- 31. S8.E.4** – Made minor grammatical correction of "is" to "are".
- 32. S8.E.8 and 9** – Language added as per item 8 of the settlement agreement.
- 33. S8.F** – Minor language edit for clarification, "Due" deleted and "by" inserted.

- 34. S8.F** – Chart edited for report year 2013. Leaving out the intended year in the “2013” row suggests a one-day reporting period. The year “2011” added after “October 1”. The reference S7.E.8 was added to correct/clarify the data required.
- 35. Definitions and Acronyms** – Added to “Detailed Implementation Plan” definition. Added the sentence: “Term changed to: “associated implementation documents” in this permit to expand the term to include all relevant implementation documents.
- 36. Appendix 3** - Added two additional water bodies to the table of applicable TMDLs: Henderson Inlet and South Fork Palouse River.
- 37. Appendix 7: Stormwater Management Program Plan Table of Contents:** edits made per the settlement language.
- 38. Appendix 7: Stormwater Management Program Plan: Section 1.5.2.** – deleted second “approved” in the sentence: At the time of issuance, Ecology may establish specific NPDES permit requirements in association with an EPA-approved [approved](#) TMDL involving stormwater discharges from MS4s owned and operated by WSDOT.
- 39. Appendix 7: Stormwater Management Program Plan: Section 3 and 3.1** – Replaced language in the permit with proposed settlement language per item 4.
- 40. Appendix 7: Stormwater Management Program Plan: Section 5.4** – Added a new section titled “Consultation with the Services” from settlement item 2.
- 41. Appendix 7: Stormwater Management Program Plan: Section 6.2 – 6.6** – Replaced language in the permit with settlement language as per items 5 and 6.
- 42. Appendix 7: Stormwater Management Plan: Section 6.5, Table 6-1** – Added clarifying language in the Prioritization Factor row “Phase 2 synthesis” to clarify the “medium to high priority location” language added to 6.2 from the settlement agreement. The sentence was modified to read: Sites [receiving](#) Phase 2 score of 8 to 12 [are high priority, those with 7 are medium, then those with next phase 2 highest scores are the next priorities.](#)